

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Terrance J. Friend,

Civil No. 18-3239 (DWF/ECW)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Emily Johnson Piper, et al.

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated July 29, 2019. (Doc. No. [48].) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Elizabeth Cowan Wright's July 29, 2019 Report and Recommendation (Doc. No. [48]) is **ADOPTED**.
2. Plaintiff's Motion for a Temporary Restraining Order (Doc. No. [3]) is **DENIED**.
3. Defendants' Motion to Dismiss (Doc. No. [25]) is **GRANTED**.

4. Plaintiff's Complaint (Doc. No. [1]) and Amended Complaint are  
**DISMISSED WITHOUT PREJUDICE.**<sup>1</sup>

5. Plaintiff's Motion to Amend Complaint for Violation of Civil Rights Under  
42 U.S.C. 1983 (Doc. No. [42]) is **GRANTED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 11, 2019

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

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<sup>1</sup> Defendants requested that if leave to amend was granted, their Motion to Dismiss (Doc. No. [25]) and accompanying documents be treated as a response to the Amended Complaint. (Doc. No. [48] ("R&R").) Plaintiff did not oppose the request. (*Id.*) Plaintiff moved to amend only insofar as he waived his right to a jury trial. (*Id.* at 4.) Defendants did not oppose the proposed amendment. (*Id.*) Therefore, the remainder of his Complaint was incorporated into the Amended Complaint. (*Id.*) Accordingly, Defendant's Motion to Dismiss (Doc. No. [25]) effectively served to dismiss both Plaintiff's Complaint (Doc. No. [1]), and his unfiled Amended Complaint.